

Docket No.: 17133/002002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gaur et al.

Application No.: 10/824,263

Confirmation No.: 6517

Filed: April 13, 2004

Art Unit: 1754

For: CARBON ALLOY PRODUCTS AND A
PROCESS FOR THEIR PRODUCTION

Examiner: Not Yet Assigned

**DECLARATION OF SIDDHARTHA GAUR IN SUPPORT OF RESPONSE TO OFFICE
ACTION MAILED AUGUST 8, 2007**

MS AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In support of the response to the Office Action dated August 8, 2007, please reconsider this application in view of the declaration of the inventor, Siddhartha Gaur, Ph.D.

In connection with the Applicant's Response to the Office Action issued on August 8, 2007, this declaration sets forth the pertinent facts indicating that the product made by the process in Claims 31-72 of U.S. Patent Application 10/824,263 entitled "CARBON ALLOY PRODUCTS AND A PROCESS FOR THEIR PRODUCTION" filed April 13, 2004, is different from the products disclosed in the art cited in the Office Action issued on August 8, 2007.

1. I, Siddhartha Gaur, Ph.D. have received the B.S. Degree (1983) chemical engineering from Aligarh University, India, the M.S degree (1993) in environmental engineering from the Colorado School of Mines, Golden Colorado, and the Ph.D. degree (1989) in chemical engineering from the Indian Institute of Technology, New Delhi, India.
2. I, Siddhartha Gaur, Ph.D., am a listed co-inventor on U.S. Patent Application 10/824,263 entitled "CARBON ALLOY PRODUCTS AND A PROCESS FOR THEIR PRODUCTION" filed April 13, 2004.
3. I, Siddhartha Gaur, Ph.D., am familiar with the process of graphitization of carbon and the scientific literature indicates that, other than inconsistent bond breakage and random bond formations, the initial stages of graphitization occur at temperatures above 1300°C and higher.

4. I, Siddhartha Gaur, Ph.D., am familiar with the process of graphitization of carbon and the scientific literature indicates that the uniform single form of bonding in graphite is different from carbon alloys where "...carbons with different hybrid orbitals account as different components." (See, *CARBON ALLOYS, Novel Concept to Develop Carbon Science and Technology*, Yasuda et al., at page 9 (2003). [IDS REF. B9])
5. I, Siddhartha Gaur, Ph.D., have reviewed the patent to Zondlo et al. 5955375 (Zondlo et al.) that was cited in the Office Action dated August 8, 2007, and have determined that the product produced by the method described and explained by Zondlo et al. will be a graphite product, produced by a process that requires graphitization, and it will therefore be a different product from the carbon alloy product produced and claimed according to the methods of Claims 31-72 of our U.S. Patent Application 10/824,263 entitled "CARBON ALLOY PRODUCTS AND A PROCESS FOR THEIR PRODUCTION."
6. I, Siddhartha Gaur, Ph.D. have reviewed the patent to Ubbelohde 4213956 (Ubbelohde) that was cited in the Office Action dated August 8, 2007 and have determined that the product produced by the method described and explained by Ubbelohde will be a graphite product, produced by a process that requires graphitization, and it will therefore be a different product from the carbon alloy product produced and claimed according to the methods of Claims 31-72 of our U.S. Patent Application 10/824,263 entitled "CARBON ALLOY PRODUCTS AND A PROCESS FOR THEIR PRODUCTION."
7. I, Siddhartha Gaur, Ph.D., have reviewed the patent to Ubbelohde and have further determined on information and belief that upon reading the disclosure by Ubbelohde, at column 6 lines 548-56, as follows:

"In yet another step in the method of the invention the composition containing well oriented graphite crystallites in a carbon matrix, after being subjected to pressure to orient yet further the graphite crystallites and increase the density of the composition, may be heated to high temperature e.g. to a temperature of 1000 °C. to 2000 °C. to more completely graphitise the carbonaceous matrix to improve the electrical properties of the composition."

It is believed that those of ordinary skill in the art to which this invention is directed will understand the foregoing to mean that further graphitization must occur in this step and thus the temperature that is within the range indicated by Ubbelohde (1000 °C. to 2000 °C.) must actually be at or above 1300 °C. (not at 1000 °C. - below 1300 °C.), otherwise sufficient graphitization should not occur as it is required to do by Ubbelohde.
8. I, Siddhartha Gaur, Ph.D., have reviewed the patent to Morgan 3867499 (Morgan) that was cited in the Office Action dated August 8, 2007 and have determined that the product produced by the method described and explained by Morgan will be a graphite product, produced by a process that requires graphitization, and it will therefore be a different product from the carbon alloy product produced and claimed according to the methods of Claims 31-72 of our U.S. Patent Application 10/824,263 entitled "CARBON ALLOY PRODUCTS AND A PROCESS FOR THEIR PRODUCTION."

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I, Siddhartha Gaur, Ph.D., hereby declare that all statements made herein of my own knowledge are true; all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this day 08, of February 08.


Siddhartha Gaur, Ph.D.